

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1242

KA 11-00810

PRESENT: SCUDDER, P.J., SMITH, CENTRA, LINDLEY, AND WHALEN, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

GEORGE E. JOHNSON, DEFENDANT-APPELLANT.

JOSEPH T. JARZEMBEK, BUFFALO, FOR DEFENDANT-APPELLANT.

LAWRENCE FRIEDMAN, DISTRICT ATTORNEY, BATAVIA (WILLIAM G. ZICKL OF COUNSEL), FOR RESPONDENT.

Appeal from a resentence of the Genesee County Court (Robert C. Noonan, J.), rendered March 15, 2011. Defendant was resented upon his conviction of assault in the first degree and attempted assault in the first degree.

It is hereby ORDERED that the resentence so appealed from is unanimously affirmed (*see People v Lingle*, 16 NY3d 621).

Entered: November 9, 2012

Frances E. Cafarell
Clerk of the Court